The Examiner has taken the position that Luzeski teaches using object-oriented Java applets to enable transactions between the web server and browser-based clients. The Examiner then states that "a client request for access is considered to be language independent request because it contains data for use by the JAVA applets." Without conceding applicant's earlier arguments regarding Luzeski, applicant respectfully submits that a Java request for an object cannot be considered to be "language independent" as that term is used in this application.

Java is a platform-independent programming language such that a Java application written on one platform, e.g. Windows, will be able to be run on another platform, e.g. Unix. Java is not language independent, however, since Java applications can only obtain access to objects in applications written using the Java programming language or that have been translated into the Java programming language.

CORBA, by contrast, is language-independent in that it enables an user to gain access to information transparently, without having to know what software or hardware platform it resides on or where it is located on the network. Thus, CORBA will enable an application written in one language on one platform, e.g. a C++ application running on a Windows platform, to access objects residing in an application written in another language and running on another platform, e.g. a Java application running on a UNIX platform.

In CORBA, an Object Request Broker (ORB) establishes client-server relationships between objects. CORBA objects can be written in any programming language supported by a CORBA software manufacturer, such as C, C++, Java, Ada, or Smalltalk. These objects can also exist on any platform that is supported by a CORBA software manufacturer, such as Solaris, Windows 95/NT, OpenVMS, Digital Unix, HP-UX, and AIX, among others. Thus, the

language-independent aspect of CORBA enables a Java application running under Windows 95 to dynamically loads and uses C++ objects stored across the Internet on a Unix Web server.

"Language independent," therefore, in the context of this application refers to the ability of applications written in different languages to exchange objects – the object requests written in one programming language are not limited to accessing objects in other applications written in that same language.

Since Java is a programming language, and can only invoke objects from applications written in or translated into the Java language, the use of Java applets to transmit data does not anticipate claim 1 which requires "means for receiving from a client application, coupled to the data network, an object-oriented, language independent request for access to the resource."

Claim 1 contains means language and, per 35 U.S.C. 112, sixth paragraph, must be interpreted to cover the structure disclosed in the specification that performs the recited function. In this application, the CORBA distributed software bus 260 functions as an Object Request Broker (ORB) which is the middleware that establishes the client-server relationships between objects. Since Luzeski teaches the use of Java and applets, but not the use of an ORB, applicants respectfully submit that Luzeski fails to teach or suggest the means of claim 1. Accordingly, applicants respectfully request that the rejection be withdrawn.

Rejection under 35 U.S.C. 103

Claims 5 and 6 were rejected under 35 U.S.C. .103 as unpatentable over Luzeski in view of Osder et al. (U.S. Patent No. 6,058,166). Claims 5 and 6 depend from claim 1 and are therefore patentable for at least the reasons set forth above.
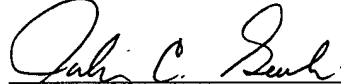
Conclusion

In view of foregoing claim amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-HU0125).

Respectfully Submitted

DRAFT

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